


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD53595PC	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/010211	International filing date (<i>day/month/year</i>) 13.09.2004	Priority date (<i>day/month/year</i>) 31.10.2003	
International Patent Classification (IPC) or national classification and IPC H04M3/42, H04M1/57, H04Q11/04			
Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of 5 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 16.08.2005		Date of completion of this report 02.02.2006	
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**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/010211

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-12 as originally filed

Claims, Numbers

1-35 received on 18.08.2005 with letter of 16.08.2005

Drawings, Sheets

1/2, 2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/010211

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-35
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-35
Industrial applicability (IA)	Yes: Claims	1-35
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: EP-A-1117245 (HEINONEN EEVA-LIISA ET AL) 18 December 2001 (2001-12-18)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 1, 6, 12, 13, 14, 23, 34 and 35** does not involve an inventive step in the sense of Article 33(3) PCT.

- 2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A method of sending a call relevance flag with a call for use in alerting a called party (D1, col. 2, l. 43-46), which comprises the following steps: selecting, by a calling party, at least one call relevance flag for use in alerting a called party of a phone call (D1, col. 2, l. 46-50), setting up a voice connection to a called party phone and transmitting at least one call relevance flag to the called party phone in the signalling phase (col. 3, l. 54, or col. 4, l. 51-58) during the setting up of the voice connection (D1, col. 2, l. 53-56), such that the call relevance flag can be used for selecting the manner of alerting the called party of the phone call provided over the connection (D1, col. 3, l. 51-57).

The subject-matter of claim 1 therefore differs from this known method in that: one flag is a flag indicating the mood of the calling party.

First of all, the indication of the mood of a calling party is not a technical feature as such. Furthermore, the indication of such a parameter does not pose any additional technical requirements, which go beyond the capabilities of the method in accordance with Document D1. Document D1 already discloses the transmission of various types of information (col. 5, l. 29-35), whereby the calling party's mood would

be just one further example.

Therefore the subject matter of **independent claim 1 does not involve an inventive step.**

- 2.2 **Independent claim 6** relates to a portable communication device which comprises means that do provide a functionality which exactly corresponds to the method steps of claim 1. Document D1 discloses already that the method according claim 1 also can be used with portable devices (D1, col. 8, l. 7-10). In accordance with the reasoning as presented under point 2.1 of this communication, it follows that **independent claim 6 does not involve an inventive step.**
- 2.3 **Independent claim 12** relates to a computer program product, storing a computer program code, which when loaded into a portable communication device provides a functionality which exactly corresponds to the method steps of claim 1. In accordance with the reasoning as presented under point 2.1 of this communication, it follows that **independent claim 12 does not involve an inventive step.**
- 2.4 **Independent claim 13** relates to a computer program element, comprising a computer program code, which when loaded into a portable communication device provides a functionality which exactly corresponds to the method steps of claim 1. In accordance with the reasoning as presented under point 2.1 of this communication, it follows that **independent claim 13 does not involve an inventive step.**
- 2.5. Concerning the subject-matter of **claim 14** Document D1 discloses (using the terminology of the present application), a method of using a call relevance flag in relation to a call (col. 2, l. 53-56), which comprises the following steps: receiving a call relevance flag from a calling party phone in the signalling phase during a set up of a voice connection (col. 1, l. 14-21), selecting the manner of alerting a called party in dependence of the call relevance flag (col. 3, l.3-6), and alerting the called party about the call in the selected manner (col. 3, l. 6-11).

The subject-matter of claim 14 therefore differs from this known method in that: one flag is a flag indicating the mood of the calling party.

As stated already under point 2.1 of this communication, inclusion of this feature does not involve an inventive step.

Therefore the subject matter of **independent claim 14 does not involve an inventive step.**

- 2.6 **Independent claim 23** relates to a portable communication device which comprises means that do provide a functionality which exactly corresponds to the method steps of claim 14. Document D1 discloses already that the method according claim 14 also can be used with portable devices. In accordance with the reasoning as presented under point 2.5 of this communication, it follows that **independent claim 23 does not involve an inventive step.**
- 2.7 **Independent claim 34** relates to a computer program product, storing a computer program code, which when loaded into a portable communication device provides a functionality which exactly corresponds to the method steps of claim 14. In accordance with the reasoning as presented under point 2.5 of this communication, it follows that **independent claim 34 does not involve an inventive step.**
- 2.8 **Independent claim 35** relates to a computer program element, comprising a computer program code, which when loaded into a portable communication device provides a functionality which exactly corresponds to the method steps of claim 14. In accordance with the reasoning as presented under point 2.5 of this communication, it follows that **independent claim 35 does not involve an inventive step.**
3. **Dependent claims 2 - 5, 7-11, 15 - 22 and 24-33** do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty and/or inventive step, the reasons being as follows:
- claim 2:** Document D1 also discloses to indicate the call priority by means of the flag (col. 4, l. 22-27).
- claim 3:** Different priority levels are also disclosed by D1 (col. 4, l. 27-30).
- claim 4:** The technical aspect of claim 4 relates to that of claim 3, namely to indicate different levels or grades of a certain quantity or item (e.g. mood).

claim 5: Different audio and visual information for alerting the called party is disclosed in D1 (par. [003]).

claims 7 - 10: The additional technical features of dependent claims 7 - 10 do correspond in an obvious way to those of dependent claims 2 - 5. In detail claim 7 corresponds to claim 2, 8 to 3, 9 to 4, 10 to 5. For a reasoning see the corresponding claims.

claim 11: Document D1 already discloses that the portable communication devices can be cellular phones (col. 3, l. 23-24).

claim 15: Setting the manner of alerting beforehand by the called party is known from Document D1 (par. [0074]).

claim 16: see reasoning for claim 5.

claim 17: The feature of "wherein more than one media object is selected and the step of alerting comprises using the media object for alerting" is disclosed in D1, par. [0068]. Concerning the remaining aspect, that this is done "in a pre-determined order" is a normal design option, which is especially applied in cellular phones, which support various ways of alerting. Therefore this aspect is obvious to a person skilled in the art.

claims 18, 19 and 20: Usage of different media objects is known from Document D1 (par. [0014] and [0015]).

claim 21: see reasoning for claim 2.

claim 22: see reasoning for claim 5.

claim 24: see reasoning for claim 15.

claim 25: see reasoning for claim 16.

claim 26: see reasoning for claim 17.

claim 27: Different alerting units are obvious design options, a display and a sound generator are disclosed in document D1 (see par. [0026] and [0077]).

claim 28: see reasoning for claim 19.

claim 29: see reasoning for claim 20.

claim 30: A ring tone and a ring tone generating means are disclosed in document D1 (see par. [0014] and [0020]).

claim 31: see reasoning for claim 21.

claim 32: see reasoning for claim 22.

claim 33: see reasoning for claim 11.

14

8. Portable communication device according to claim 7, wherein the priority is a priority in the group of low, normal or high.

5 9. Portable communication device according to any of claims 6 - 8, wherein the mood is a mood in the group of angry, sad, happy, content, nervous, anxious and scared.

10 10. Portable communication device according to any of claims 6 - 9, wherein the control unit is further arranged to select at least one media object for use in alerting a called party of a phone call and provide the media object for transmission to a called party phone and the communication unit is arranged to transmit also the media object to the called party phone during the setting up of the voice connection.

15 11. Portable communication device according to any of claims 6 - 10, wherein it is a cellular phone.

20 12. A computer program product (52) comprising a computer readable medium, having thereon:
computer program code means, to make a portable communication device (10) execute, when said program is loaded in the portable communication device, select at least one call relevance flag, where one flag is a flag indicating the mood of the calling party, for use in alerting a called party of a phone call, and
25 at least order the setting up a voice connection to a called party phone and transmission of said at least one call relevance flag to the called party phone in the signaling phase during the setting up of the voice connection, such that the call relevance flag can be used for selecting the manner of alerting the called party of the phone call provided over the connection.

30 13. A computer program element comprising:
computer program code means to make a portable communication device (10) execute, when said program element is loaded in the portable communication device,
35 select at least one call relevance flag, where one flag is a flag indicating the mood of the calling party, for use in alerting a called party of a phone call, and at least order the setting up a voice connection to a called party phone and transmission of said at least one call relevance flag to the called party phone in the signaling phase during the setting up of the voice connection, such that the

14. Method of using a call relevance flag received in relation to a call, and comprising the steps of:
receiving a call relevance flag from a calling party phone, which is a flag indicating the mood of the calling party, in the signaling phase during a set up of a voice connection, (step 46),
selecting manner of alerting a called party in dependence of the call relevance flag, (step 48), and
alerting the called party about the call in the selected manner, (step 50).

16. Method according to claim 14 or 15, wherein the step of selecting comprises selecting at least one media object corresponding to the call relevance flag and the step of alerting comprises using the media object for alerting the called party.

18. Method according to claim 16 or 17, wherein said at least one media object includes a ring tone and the step of alerting comprises using that ring tone for alerting the called party.

20. Method according to any of claims 16 - 19, wherein said at least one media object includes an image and the step of alerting comprises displaying that image when alerting the called party.

21. Method according to any of claims 14 - 20, wherein one call relevance flag is a flag indicating the priority of the call according to the calling party.

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22. Method according to any of claims 14 - 21, wherein the step of receiving comprises receiving a media object from the calling party phone during the set up of the voice connection and further comprising the step of alerting the called party also using the media object.

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23. Portable communication device (12) for using a call relevance flag received in relation to a call and comprising:

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a communication unit (28) arranged to receive a call relevance flag from a calling party phone, which is a flag indicating the mood of the calling party, in the signaling phase during a set up of a voice connection,

a control unit (32) arranged to select manner of alerting the called party in dependence of the call relevance flag, and

at least one alerting unit (20, 36; 24, 38) arranged to alert the called party in the selected manner of a call being made via the voice connection.

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24. Portable communication device according to claim 23, wherein the manner of alerting associated with a flag has been set beforehand by the called party.

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25. Portable communication device according to claim 23 or 24, wherein the control unit, when selecting, is arranged to select at least one media object corresponding to the call relevance flag and the step of alerting is performed using the media object.

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26. Portable communication device according to claim 25, wherein more than one media object is selected and said at least one alerting unit is arranged to alert the called party using the media objects in a predetermined order.

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27. Portable communication device according to claim 23, wherein the alerting unit is any of the units in the group of display (20), vibrator, speaker, earphone or microphone.

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28. Portable communication device according to claim 27, wherein said at least one media object includes a piece of text and a display is arranged to display that text when alerting the called party.

29. Portable communication device according to claim 27 or 28, wherein said at least one media object includes an image and a display is arranged to display that image when alerting the called party.

17

30. Portable communication device according to any of claims 27 - 29, wherein said at least one media object includes a ring tone and an alerting unit comprises a speaker (24) and a ring tone generating unit (38) arranged to use that ring tone for alerting the called party.

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31. Portable communication device according to any of claims 27 - 30, wherein one call relevance flag is a flag indicating the priority of the call according to the calling party.

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32. Portable communication device according to any of claims 27 - 31, wherein the communication unit is further arranged to receive a media object from the calling party phone during the set up of a voice connection and an alerting unit is further arranged to alert the called party of a call being made via the voice connection using the received media object.

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33. Portable communication device according to any of claims 27 - 32, wherein the device is a cellular phone.

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34. A computer program product (52) comprising a computer readable medium, having thereon:
computer program code means, to make a portable communication device execute, when said program is loaded in the portable communication device, receive a call relevance flag from a calling party phone, which is a flag indicating the mood of the calling party, in the signalling phase during the set up of a voice connection,
select manner of alerting a called party of the call in dependence of the call relevance flag, and
at least enable alerting the called party about the call in the selected manner.

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35. A computer program element comprising:
computer program code means to make a portable communication device execute, when said program element is loaded in the portable communication device,
receive a call relevance flag from a calling party phone, which is a flag indicating the mood of the calling party, in the signalling phase during the set up of a voice connection,
select manner of alerting a called party of a call in dependence of the call relevance flag, and
at least enable alerting the called party about the call in the selected manner.

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